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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

07 BRIAN K. JOHNSON, ) CASE NO. C08-0232-RSM  
08 Plaintiff, )  
09 v. ) ORDER GRANTING DEFENDANTS'  
10 OFFICER NAVEJAS, et al., ) MOTION TO DISMISS, STRIKING  
11 Defendants. ) AS MOOT ALL OTHER  
DISPOSITIVE MOTIONS, AND  
DIRECTING DEFENDANTS TO  
SUBMIT COST BILL

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13 The Court, having reviewed plaintiff's amended civil rights complaint, defendants'  
14 motion to dismiss, the Report and Recommendation of the Honorable Mary Alice Theiler,  
15 United States Magistrate Judge, plaintiff's objections thereto, and the remaining record, does  
16 hereby find and ORDER:

- 17 (1) The Court adopts the Report and Recommendation ;  
18 (2) Defendants' motion to dismiss (Dkt. No. 49) is GRANTED;  
19 (3) Defendants' cross-motion for partial summary judgment (Dkt. No. 36), plaintiff's  
20 motion for summary judgment/order to reconsider (Dkt. No. 46), and plaintiff's motion to  
21 confirm/grant/order summary judgment (Dkt. No. 52) are STRICKEN as moot;  
22 (4) Plaintiff's motion to strike defendants' reply brief (Dkt. No. 54) is DENIED;

01 (5) Plaintiff's amended complaint and this action are DISMISSED with prejudice;

02 (6) Defendants are directed to submit a cost bill regarding the original motion to  
03 compel and regarding plaintiff's failure to comply with the Court's October 10, 2008, Order  
04 compelling discovery not later than 15 days from the date on which this Order is signed; and

05 (7) The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
06 defendants, and to the Honorable Mary Alice Theiler.

07 DATED this 25<sup>th</sup> day of February, 2009.

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10 RICARDO S. MARTINEZ  
11 UNITED STATES DISTRICT JUDGE  
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